

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:21-cr-00080

Plaintiff,

v.

Hon. Janet T. Neff

Kevin Daniel Baker

Defendant(s).

**GOVERNMENT'S
INITIAL PRETRIAL CONFERENCE
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

Statements of Kevin Baker made to Wyoming Police Department (WPD) officers as memorialized in WPD incident report #21-1280, dated 01/17/2021.

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by April 23, 2021.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☐

There are no written or recorded statements or grand jury testimony of defendant.

☒

There are the following written or recorded statements or grand jury testimony:

Statements of Kevin Baker made to WPD in a video and audio recorded interview, as memorialized in WPD incident report #21-1280, dated 01/17/2021.

All written or recorded statements

☐

have been disclosed to defense counsel.

☒

will be disclosed to defense counsel by April 23, 2021.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☒ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia ☐ Drug Records ☐ Inventory (attached)
- ☐ Controlled Substances: _____
- ☒ Records: Wyoming Fire, WPD, MSP lab, ATF, and insurance company reports
- ☒ Firearms: Ruger Model P89 9mm semi-automatic pistol
- ☒ Other: Scene photos, surveillance videos, interview recording
- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☒ State
- ☐ Federal:
- | | |
|-------------------------|--------------------------------------|
| Case No. <u>21-1280</u> | Re: <u>Hotel room search warrant</u> |
| Case No. _____ | Re: _____ |
| Case No. _____ | Re: _____ |
- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
- ATF Special Agent Ryan Young and/or AUSA Erin Lane

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The Government has or expects to have reports of the following examinations and tests:
- | | | |
|---------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Drug Analysis | <input type="checkbox"/> Handwriting | <input checked="" type="checkbox"/> Fingerprints |
| <input type="checkbox"/> DNA | <input checked="" type="checkbox"/> Firearms/Nexus | <input checked="" type="checkbox"/> Gun Operability |
| <input type="checkbox"/> Computer Forensics | <input checked="" type="checkbox"/> Other: <u>Fire scene investigation report</u> | |

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☒ The Government does not presently intend to introduce 404(b) evidence.
- ☐ The Government does presently intend to introduce the following 404(b) evidence:

- ☒ The Government will provide pretrial notice of 404(b) evidence by 1 month before trial.

G. Other Discovery Matters

II. TRIAL

- A. The Government requests a ☒ jury ☐ non-jury trial.
- B. The length of trial excluding jury selection is estimated at 4 days.

III. MISCELLANEOUS

The parties acknowledge that if the case is appropriate for expedited resolution, a joint motion for expedited sentencing shall be filed within 14 days of arraignment.

- ☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The Government is aware of the following potential conflicts:

- ☒ Government's plea negotiation policy:

To benefit from concessions by the government, Defendant must enter into a plea agreement no later than one (1) week before the Final Pretrial Conference.

Date April 20, 2021

/s/Erin K. Lane
Counsel for the United States